

S.B.Cr.Misc. Bail Appli. No.4866/2007
(Tufel Ahmed & Ors. Vs. State of Rajasthan)

Date of order : November 15, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.S.G.Ojha, for the petitioners.
Mr.Ashok Upadhyaya, P.P. for the State.

Heard learned counsel for the petitioners and the Public Prosecutor for the State. Perused the order impugned and the police investigation diary.

It is contended by learned counsel for the petitioners that there is a cross-case being FIR No.321/2007 lodged against the complainant party, who are injured in the instant case in which Mohammed Ishq, Abdul Hakim, Kherunisha, Chand Begum and Rajia have suffered injuries.

It appears from the record that the accused in the cross-case moved a bail application before this Court under section 438 Cr.P.C., which came to be dismissed by this Court on 5.10.2007. On perusal of the case diary of this case, it appears that several persons have suffered injuries viz. Pintu

Mewara, Vishnu, Shanta, Mukesh, Prithvi Singh; one of the injuries suffered by Pintu Mewara was found to be dangerous to life as stated by the Doctor. It also appears from the police investigation diary that the subject-matter of the dispute is subjudiced before the S.D.M., Kumbhalgarh under section 145 Cr.P.C. It also appears that prior to this occurrence, both the parties were bound not to quarrel; they were arrested under section 151 Cr.P.C. on 3.7.2007 and were produced before the Executive Magistrate, Amet. Before the Executive Magistrate, they were also bound in the proceeding under section 107/116(3) Cr.P.C. It appears that both the parties again picked the quarrel.

Looking to the injuries suffered by the injured and the manner in which the occurrence took place, in my view, it is not a fit case to grant anticipatory bail to the petitioners.

The bail application filed by the petitioners under section 438 Cr.P.C. is, therefore, dismissed.

(H.R.PANWAR),J.

m.asif/-